

CITY OF GROVE CITY, OHIO

COUNCIL MINUTES

March 15, 2004

Regular Meeting

The regular meeting of Council was called to order by President Saxton at 8:00 p.m. in the Council Chamber, City Hall, 4035 Broadway.

After a moment of silent prayer and the Pledge of Allegiance, roll was called and the following members were present:

Rich Lester Bob Hatley Bill Saxton Maria Klemack Vaughn Radi

1. Mr. Lester moved to dispense with the reading of the previous meetings minutes and approve as written; seconded by Mr. Radi.

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| Mr. Lester | Yes |
| Mr. Hatley | Yes |
| Mr. Saxton | Yes |
| Ms. Klemack | Yes |
| Mr. Radi | Yes |

2. President Saxton recognized Mayor Grossman who introduced Mr. Greg Wilder, representing Betty Montgomery's office. Mr. Wilder presented the Auditor's Award to the Mayor and Finance Department. He mentioned that this award is only presented to three percent (3%) of the municipalities from the Auditor of States office.
3. President Saxton read the agenda items and they were approved by unanimous consent.

The Chair recognized Mr. Hatley, Chairman of Finance, for discussion and voting of legislative agenda items under said Committee.

- 1 Ordinance C-21-04 (Authorizing the Issuance of not to exceed \$1,400,000.00 Subordinate Multifamily Housing Mortgage Revenue Refunding Bonds (The Regency Arms Apartments Project) Series 2004 by the City of Grove City, Ohio, the Proceeds of which shall be Loaned to Regency Arms Apartments Limited Partnership, an Ohio Limited Partnership, to Refund and Retire a portion of Certain Prior Obligations of the Issuer which were issued to Finance the Acquisition and Rehabilitation of a Multifamily Residential Rental Housing Facility; Providing for the Pledge of Revenues for the Payment of such Subordinate Bonds; Authorizing a Subordinate Financing Agreement and a Subordinate Trust Indenture Appropriate for the Protection and Disposition of such Revenues and to further secure such Subordinate Bonds; Authorizing a Bond Purchase Agreement, a Tax Regulatory Agreement, and an Offering Document and Authorizing other Documents and Actions in connection with the Issuance of Such Subordinate Bonds and declaring an emergency) was given its second reading and public hearing.

Mr. Jason George, Bond Counsel for Regency Arms, explained that this will allow the mortgager to re-categorize their loan from 2000. All they want to do is pay off \$1.1 million of the old loan with new subordinate Bonds. These are special revenue obligations of the City. They will be paid solely by revenues of the project and by Regency Arms Ltd. Partnership. They will not be paid by revenues of the city and no taxes of the city would be used to pay these bonds. *Mr. Hatley* asked what would happen if there was a default on these bonds. Mr. George said the Bond Holder

wouldn't actually be able to do anything because they are subordinate bonds. However, if the whole project was in default, the bondholders would be able to foreclose on the mortgage. *Mr. Hatley* pointed out that there would be no affect on the city. *Mr. George* said that was correct and actually, the issuance of the bonds has no effect on the City's debt limits, ability to borrow, or our bond rating.

There being no additional questions or comments, *Mr. Hatley* moved that the Rules of Council be suspended and the waiting period waived; seconded by *Ms. Klemack*.

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| <i>Mr. Hatley</i> | Yes |
| <i>Mr. Saxton</i> | Yes |
| <i>Ms. Klemack</i> | Yes |
| <i>Mr. Radi</i> | Yes |
| <i>Mr. Lester</i> | Yes |

Mr. Hatley moved it be approved as an emergency measure; seconded by *Mr. Radi*.

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| <i>Mr. Saxton</i> | Yes |
| <i>Ms. Klemack</i> | Yes |
| <i>Mr. Radi</i> | Yes |
| <i>Mr. Lester</i> | Yes |
| <i>Mr. Hatley</i> | Yes |

2. Resolution CR-20-04 (Confirm the Mayoral Appointments to the Tax Incentive Review Council) was given its reading and public hearing.

Mayor Grossman explained that this has to do with the Enterprise Zone that was set up. She was asked to appoint two members to this Council and has submitted herself and the President of Council as those appointees.

There being no additional questions or comments, *Mr. Hatley* moved it be approved; seconded by *Ms. Klemack*.

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| <i>Ms. Klemack</i> | Yes |
| <i>Mr. Radi</i> | Yes |
| <i>Mr. Lester</i> | Yes |
| <i>Mr. Hatley</i> | Yes |
| <i>Mr. Saxton</i> | Yes |

The Chair recognized *Ms. Klemack*, Chairman of Safety Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-22-04 (Amend Section 1136.15 of the Codified Ordinances titled Prohibited Plantings) was given its second reading and public hearing.

Mr. Dan Snyder, Urban Forester, explained that this change will remove certain trees from being planted in the rights-of-way that are prone to virus. He referred to the Emerald Ash Boar that is doing great damage to Ash trees in many areas. It has been found in Franklin County and it was determined that the best course of action for us to take was to make this change so our street trees would be limited in any attack. Along with the Ash, he is requesting that all Pears, Hedge apple,

and Dogwoods be eliminated as street trees. Pears are a weak wood and he is seeing many of them break. Dogwoods are a low branch and are nice in landscaping, but not as a street tree. *Mr. Hatley* asked of there is an age when Pears become more vulnerable. Mr. Snyder said he tells people anywhere from 12 to 25 years that they will start to be weak wooded and become heavy. There are many factors that add to there weakness. *Mr. Radi* mentioned that Mr. Snyder stated that approximately 40% of our trees throughout the city are Ash. He asked how many trees we are talking about. Mr. Snyder said, just in street trees alone, about 4,500. He said we have some Subdivisions, like Ziner Farm, that have all Ash trees. If you drive down the I-70/I-270 corridor, it is predominately Ash. It's not only in our street trees, it is heavy in our residential areas and our woods. *Mr. Saxton* asked what our chances were for avoiding this beetle. Mr. Snyder said the experts expect it to come in the next ten years. Some of them say the Ash Tree will be extinct within our lifetime due to this beetle. Mr. Saxton asked if any of our Ash trees have been removed or replaced. Mr. Snyder said no. He has only been checking for the beetle and hasn't found any yet.

There being no additional questions or comments, Ms. Klemack moved it be approved; seconded by President Saxton.

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| Mr. Radi | Yes |
| Mr. Lester | Yes |
| Mr. Hatley | Yes |
| Mr. Saxton | Yes |
| Ms. Klemack | Yes |

2. Ordinance C-25-04 (Amend Section 935.04(b) of the Codified Ordinances titled Prohibitions on Discharges) was given its first reading. Second reading and public hearing will be held on April 05, 2004.
3. Ordinance C-26-04 (Amend Various Sections of Chapter 1101 of the codified Ordinances titled Development Standards) was given its first reading. Second reading and public hearing will be held on April 05, 2004.

The Chair recognized Mr. Radi, Chairman of the Service Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-27-04 (Authorize the Service Director to enter into a Maintenance Agreement with the Franklin County Engineer for Hoover Road from Orders Road to Milligan Grove Roadway Improvements Project) was given its first reading. Second reading and public hearing will be held on April 05, 2004.

The Chair recognized Mr. Lester, Chairman of Lands & Zoning Committee, for discussion and voting of legislative agenda items under said committee.

1. Ordinance C-11-04 (Approve the Rezoning of 2800 Demorest Road from R-2 to PUD-R) was given its second reading and public hearing.

President Saxton asked that he be excused from voting, due to a conflict of interest.

Mr. Lester moved to excuse President Saxton from voting; seconded by Mr. Radi.

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| Mr. Lester | Yes |
| Mr. Hatley | Yes |
| Mr. Saxton | Yes |
| Ms. Klemack | Yes |
| Mr. Radi | Yes |

Mr. David Morrison, agent for petitioner was present.

There being no questions or comments, Mr. Lester moved it be approved; seconded by Mr. Hatley.

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| Mr. Hatley | Yes |
| Mr. Saxton | Abstain |
| Ms. Klemack | No |
| Mr. Radi | No |
| Mr. Lester | Yes |

2. Ordinance C-20-04 (Authorize the Approval of a Pre-annexation Agreement for 151.2+ acres located East of S.R. 104 and North & West of S.R. 665) was given its second reading and at the written request of the petitioner's agent, Mr. Lester moved it be postponed until May 3, 2004; seconded by Mr. Hatley.

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| Mr. Saxton | Yes |
| Ms. Klemack | Yes |
| Mr. Radi | Yes |
| Mr. Lester | Yes |
| Mr. Hatley | Yes |

3. Ordinance C-28-04 (Approve a Special Use Permit for a Gas Station for Gilligan Oil Company located at 1920 Stringtown Road) was given its first reading. Second reading and public hearing will be held on April 05, 2004.
4. Ordinance C-29-04 (Approve a Special Use Permit for a Drive-thru for Gilligan Oil Company located at 1920 Stringtown Road) was given its first reading. Second reading and public hearing will be held on April 05, 2004.
5. Resolution CR-13-04 (Approve the Preliminary Development Plan for Plum Run Subdivision located East of S.R. 104 and North and West of S.R. 665) was given its reading and at the written request of the petitioner's agent, Mr. Lester moved it be postponed until May 3, 2004; seconded by Mr. Hatley.

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| Ms. Klemack | Yes |
| Mr. Radi | Yes |
| Mr. Lester | Yes |
| Mr. Hatley | Yes |
| Mr. Saxton | Yes |

6. Resolution CR-21-04 (Approve the Development Plan for Gilligan Oil Company located at 1920 Stringtown Road) was given its reading and at the written request of the petitioner's agent, Mr. Lester moved it be postponed until April 5, 2004; seconded by Mr. Radi.

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| Mr. Radi | Yes |
| Mr. Lester | Yes |
| Mr. Hatley | Yes |
| Mr. Saxton | Yes |
| Ms. Klemack | Yes |

7. Resolution CR-22-04 (Approve a Sign Permit for CCI Contractors located at 3903 Broadway in the Historical Preservation Area) was given its reading and public hearing.

Mr. Warren Gard, agent for petitioner, was present. Mr. Lester reviewed the stipulations set by Planning Commission, which Mr. Gard agreed to. Mr. Lester asked about the additional evergreens required under Stipulation #2. Mr. Gard stated that they would add at least one on each end. Mr. Lester confirmed that they would work with the Urban Forester and meet his requirements for how much additional evergreen material would be necessary. Mr. Gard agreed.

There being no additional questions or comments, Mr. Lester moved it be approved; seconded by President Saxton.

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| Mr. Lester | Yes |
| Mr. Hatley | Yes |
| Mr. Saxton | Yes |
| Ms. Klemack | Yes |
| Mr. Radi | Yes |

8. Resolution CR-23-04 (Approve the Development Plan for O'Charley's Restaurant located in the Parkway Centre South Shopping Center) was given its reading and public hearing.

Mr. Steve Malloy, architect for project, was present. Mr. Lester reviewed the 7 stipulations set by Planning Commission, which Mr. Malloy agreed to. Mr. Radi asked when they plan to begin construction and hope to open. Mr. Malloy said he didn't know what the exact schedule was. However, O'Charley's is pushing to get this restaurant open soon. It is a new design and they are anxious to see how it works.

There being no additional questions or comments, Mr. Lester moved it be approved; seconded by Ms. Klemack.

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| Mr. Hatley | Yes |
| Mr. Saxton | Yes |
| Ms. Klemack | Yes |
| Mr. Radi | Yes |
| Mr. Lester | Yes |

9. Resolution CR-24-04 (Approve the Development Plan for The Pinnacle Club located south of White Road and east of I-71) was given its reading and public hearing.

Mr. Don Plank, attorney for petitioner, was present. He explained that there is one amendment that needs to be made to the Development Standards Text. It is in the Miscellaneous Section, last page, #6. *Conflict. If a conflict arises between the requirements contained on the Development Plan and those in the Development Standards Text, the most restrictive of the two shall apply.* This language needs to be added.

Mr. Lester commented that before we can make an amendment, the Development Standards Text needs to be replaced with the one dated 3/15/04 and moved to do so; seconded by Mr. Radi.

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| Mr. Saxton | Yes |
| Ms. Klemack | Yes |
| Mr. Radi | Yes |
| Mr. Lester | Yes |
| Mr. Hatley | Yes |

Mr. Lester moved to amend the Development Standards Text to include a #6, titled Conflict, under C. Miscellaneous, that reads: 6. *Conflict. If a conflict arises between the requirements contained on the Development Plan and those in the Development Standards Text, the most restrictive of the two shall apply;* seconded by Mr. Radi.

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| Ms. Klemack | Yes |
| Mr. Radi | Yes |
| Mr. Lester | Yes |
| Mr. Hatley | Yes |
| Mr. Saxton | Yes |

Mr. Plank explained that the Development Plans have been updated and submitted as of February 26, 2004. It was reviewed with the City's Development Director today and there are a few items that he needs to share with Council that will be changed, especially when the Plats and roadway plans come through.

Before reviewing those changes, Mr. Lester moved to replace the Development Plan drawings with those dated February 26, 2004; seconded by Ms. Klemack.

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| Mr. Radi | Yes |
| Mr. Lester | Yes |
| Mr. Hatley | Yes |
| Mr. Saxton | Yes |
| Ms. Klemack | Yes |

Mr. Lester asked Mr. Plank to continue with explaining the items that still need to be addressed on the Development Plan. Mr. Plank stated that, at the request of Staff, the Development Standards Text will be placed on a sheet and added to the plans. Also, the following street names will be deleted – Muzuno Lane, Pickerel Lane, Balea Drive, Rowland Drive and Tallow Wood Drive (Sheet 10) and Rimrock Street (Sheet 8) – and will not be included when Plats are submitted. He said there will be a median break at the Maintenance Facility, with a left turn lane into that facility that are not now reflected on the plans. Finally, there is a discrepancy between the “typical section” of Buckeye Parkway. Although the drawing shows a 100’ right-of-way and a 10’ median, the actual “typical section” on page 11 shows a 100’ right-of-way with a 22’ median. The construction drawings will reflect the 22’ median and built as such.

Mr. Lester reviewed the stipulations set by Planning Commission, which Mr. Plank stated have been corrected on the new drawings and agree to.

There being no additional questions or comments, Mr. Lester moved it be approved; seconded by President Saxton.

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| Mr. Lester | Yes |
| Mr. Hatley | Yes |
| Mr. Saxton | Yes |
| Ms. Klemack | Yes |
| Mr. Radi | Yes |

10. Resolution CR-25-04 (Set Forth, as required by Section 709.031 of the Ohio Revised Code the Municipal Services that can be furnished to 13.6 acres located south of Rensch Road and west of Broadway, in Jackson Township upon its Annexation to the City of Grove City, Ohio) was given its reading and public hearing and Mr. Lester moved it be approved; seconded by President Saxton.

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| Mr. Hatley | Yes |
| Mr. Saxton | Yes |
| Ms. Klemack | Yes |
| Mr. Radi | Yes |
| Mr. Lester | Yes |

The Chair asked that any new business to be brought before the attention of Council be done so at this time.

There being no new business, the Chair recognized members of Administration and Council for closing comments.

1. The Mayor submitted a portion of the Mayor's Report from the prior month. President Saxton moved to accept this portion of the Mayor's Report; seconded by Ms. Klemack.

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| Mr. Saxton | Yes |
| Ms. Klemack | Yes |
| Mr. Radi | Yes |
| Mr. Lester | Yes |
| Mr. Hatley | Yes |

The Mayor announced that Hoover Road would be closing for three to four months between the Nazarene Church and Orders Road.

2. Council congratulated the Finance Department on their Award.
3. After additional comments from Council and other Administrative staff members, a motion to adjourn was approved by unanimous consent.

Council adjourned at 8:43 p.m.

Tami K. Kelly, MMC
Clerk of Council

William E. Saxton
President